

Appln. No. 10/788,768
Filed: February 27, 2004
Office action mailed March 20, 2008
Response filed July 17, 2008

REMARKS

Claims 1-24 are pending in the Application, and all claims have been rejected in the Office action mailed March 20, 2008. No claims are amended by this response. Claims 1, 16, and 22 are independent claims. Claims 2-15, 17-21, and 23-24 depend from independent claims 1, 16, and 22, respectively.

The Applicant respectfully requests reconsideration of pending claims 1-24, in light of the following remarks.

Objection to Declaration

Applicant respectfully notes that the Examiner has indicated at Box 11 on the Office Action Summary, form PTOL-326, that the oath or declaration is objected to. However, the Detailed Action makes no mention of an objection to the declaration, and a form PTO-152 is not attached. In the absence of any supporting grounds for such an objection, Applicant assumes that the marking of Box 11 was in error, and that the declaration is acceptable to the Office.

Rejection of Claims

Rejections under 35 U.S.C. §101

Claims 1-21 were rejected under 35 U.S.C. §101. The Office asserts that the claimed invention is directed to non-statutory subject matter. Applicant respectfully traverses the rejection.

Applicant believes that the subject matter of claims 1-21 is statutory, and respectfully submits that the compliance of claims 1-21 with 35 U.S.C. §101 has been established by a prior examiner. According to M.P.E.P. §704.01, the action of one Examiner should be given full faith and credit by a subsequent Examiner:

When an examiner is assigned to act on an application which has received one or more actions by some other examiner, full faith and credit should be given to the search and action of the previous examiner unless

there is a clear error in the previous action or knowledge of other prior art. In general the second examiner should not take an entirely new approach to the application or attempt to reorient the point of view of the previous examiner, or make a new search in the mere hope of finding something. See MPEP § 719.05.

The Office action mailed April 19, 2007, which was prepared by Primary Examiner Mary J. Steelman, set forth a rejection of claims 1-21 under 35 U.S.C. §101 as being directed to non-statutory subject matter. See Office action of April 19, 2007 at page 2. Applicant amended claims 1-21 in the response filed July 19, 2007, in accordance with the Examiner's rejection. See Response of July 19, 2007 at pages 2-7 and 10. The rejection of claims 1-21 under 35 U.S.C. §101 was withdrawn by Examiner Steelman in the next Office action. See Office action of October 2, 2007 at page 2. Applicant respectfully notes that, although the Office action of October 2, 2007 states that "[i]n view of the amendment to claim 1, the prior 35 U.S.C. 101 rejection is hereby withdrawn...", the failure to enumerate all of the claims rejected under 35 U.S.C. §101 is assumed by the Applicant to be a typographical error, in that the Office does not set forth a 35 U.S.C. §101 rejection of claims in the Application.

Applicant is confident that both Primary Examiner Steelman and the present Examiner have fulfilled their obligations to thoroughly examine the Application and the prior art, as set forth in 37 C.F.R. §1.104, which states in part:

On taking up an application for examination or a patent in a reexamination proceeding, the examiner shall make a thorough study thereof and shall make a thorough investigation of the available prior art relating to the subject matter of the claimed invention. The examination shall be complete with respect both to compliance of the application or patent under reexamination with the applicable statutes and rules and to the patentability of the invention as claimed, as well as with respect to matters of form, unless otherwise indicated.

Applicant respectfully submits that the present Examiner has not set forth an argument that "...a clear error in the previous action or knowledge of other prior art..." is the cause of the present rejection of claims 1-21 under 35 U.S.C. §101. Applicant also respectfully submits that independent claims 1 and 16, from which claims 2-15 and 17-21

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respectively depend, were not amended following withdrawal of the 35 U.S.C. §101 rejection of claims 1-21 by the prior Examiner. Therefore, Applicant respectfully submits that the status under 35 U.S.C. §101 of claims 1-21 did not change following Examiner Steelman's decision to withdraw the 35 U.S.C. §101 rejection of claims 1-21, and that claims 1-21 still recite statutory subject matter in compliance with 35 U.S.C. §101.

The instant Office action states at pages 2-3:

Claim 1 recites a system comprising of a service broker and claim 16 recites a system comprising of a service broker, service providers and client-side component. The service broker, service providers, and client-side components are interpreted as software only and are functional descriptive material. ... Since claims 1 and 16 do not recite the service broker, service providers and client-side component as being recorded on a computer-readable medium, the system are [sic] interpreted as comprising functional descriptive material per se and non statutory. See MPEP §2106.01.

Applicant respectfully disagree with this interpretation of claims 1 and 16, and submits that the Office has failed to set forth grounds for such a narrow interpretation of the claims. As is clearly illustrated in Fig. 1 of the Application, an example of a service broker is shown as element 127 (a "service broker server") in Fig. 1 of the Application. Applicant respectfully submits that there is nothing in the ordinary meaning of the term "service broker" that makes it inherently software, and that one of ordinary skill in the art would not place such a limitation on the meaning of the term. For at least this reason, Applicant respectfully submits that the interpretation of the Office is unnecessarily limiting, and that claims 1 and 16 describe statutory subject matter.

Therefore, for at least the reasons set forth above, Applicant believes that claims 1 and 16, and any claims that depend therefrom, recite statutory subject matter, and respectfully requests that the rejection of claims 1-21 under 35 U.S.C. §101 be reconsidered and withdrawn.

Rejections under 35 U.S.C. §103

Claims 1-24 were rejected under 35 U.S.C. §103(a) as being unpatentable over Tavis et al. (US 20030084138, hereinafter "Tavis") in view of Chamberlain et al. (US 6,317,880, hereinafter "Chamberlain"). Applicant respectfully traverses the rejections.

Applicant respectfully submits that the Office action has failed to establish a prima facie case of obviousness, in accordance with M.P.E.P. §2142. According to M.P.E.P. §2142, "[t]he examiner bears the initial burden of factually supporting any prima facie conclusion of obviousness. If the examiner does not produce a prima facie case, the applicant is under no obligation to submit evidence of nonobviousness." M.P.E.P. §2142 further states that "[t]he key to supporting any rejection under 35 U.S.C. 103 is the clear articulation of the reason(s) why the claimed invention would have been obvious." As recognized in M.P.E.P. §2142, "[t]he Supreme Court in *KSR International Co. v. Teleflex Inc.*, 127 S. Ct. 1727 (2007), 82 USPQ2d 1385, 1396 noted that the analysis supporting a rejection under 35 U.S.C. 103 should be made explicit." In addition, the Federal Circuit has made clear that "rejections on obviousness cannot be sustained with mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness." *In re Kahn*, 441 F.3d 977, 988, 78 USPQ2d 1329, 1336 (Fed. Cir. 2006). See also *KSR*, 127 S. Ct. 1727 (2007), 82 USPQ2d at 1396.

With regard to the rejection of independent claim 1, Applicant respectfully submits that claim 1 recites "[a] system that facilitates interactions between one of a plurality of software components in an electronic device and an associated one of a plurality of servers, via a network, the system comprising: a service broker capable of receiving at least one request for service associated with one of the plurality of software components; the service broker capable of determining the one of the plurality of servers associated with the one of the plurality of software components, based upon a prior registration associating the one of the plurality of servers with the one of the plurality of software components making the at least one request for service; and the

service broker capable of forwarding the at least one request for service to the determined one of the plurality of servers."

The Office asserts that Tavis teaches "...a service broker capable of receiving at least one request for service associated with one of the plurality of software components [local component manager, such as component manager 110 or 112, can determine if a component update request will result in a component download; pp.2-3, paragraph 0033];...." See Office action at page 4. Applicant first addresses cited paragraph [0033] of Tavis, which states:

A special single component manager instance, called a system component manager 116, operates in the master process 100 and is forwarded all component update requests from all other component managers 110 and 112, via the component request queue 114. A local component manager, such as component manager 110 or 112, can determine if a component update request will result in a component download, but only the system component manager 116 actually performs downloads and installations. The system component manager 116 also handles tasks, such as polling for new versions of installed components on time-driven events associated with the installed components (for example, components can "expire" as discussed below). The system component manager 116 also coordinates the shutdown of certain processes that normally run continuously.

In light of the above, Applicant understands the Office to be asserting that the "component manager 110 or 112", the "component update request", and the "component/software component" of Tavis teach, respectively, the "service broker", the "at least one request for service", and the "one of a plurality of software components" elements of Applicant' claim 1. Applicant also understands the Office to be asserting that the requested "service" of Applicant' claim 1 is taught by the "component update" of Tavis.

To better understand the teachings of paragraph [0033] of Tavis regarding a "request", Applicant turns to the paragraph immediately before cited paragraph [0033], paragraph [0032], which states:

Each component manager object 110 and 112 receives "requests" for components and determines if, and when, the components need to be retrieved and installed on the local device. A request is a signal to the component manager that some entity needs a specific component to be available on the local device. These requests can arrive from remote client installations, be locally created by the instantiation of a tool template, or be generated by the component manager itself as a result of polling for newer versions of already installed components.

This portion of Tavis explains that "requests for components" are received by "component manager object 110 and 112", and that a "request" is "a signal" that "some entity" needs a specific software component to be available on the local device. Tavis also explains that "requests" can arrive from "remote client installations, be locally created by the instantiation of a tool template, or be generated by the component manager itself...." Applicant respectfully submits, however, that the cited portion of Tavis at paragraph [0033] fails to teach or suggest that a "request" to make a "specific software component" available is actually made by the "specific software component" itself. Instead, Tavis teaches that the "requests" can arrive from "...remote client installations, be locally created by the instantiation of a tool template, or be generated by the component manager itself as a result of polling for newer versions of already installed components."

The Office then goes on to state that Tavis teaches "...the service broker capable of determining the one of the plurality of servers associated with the one of the plurality of software components [system component manager 116 can cause a download of a component file from the location from which the component was originally retrieved and check to determine whether the component file references a newer component; p. 4, paragraph 0048];...." See Office action at page 4. By this statement, Applicant understands the Office to be asserting that "...the location from which the [software] component was originally retrieved..." somehow teaches Applicant's element "one of the plurality of servers".

As an initial matter, Applicant respectfully submits that, although the Office previously identified the "component manager object 110 and 112" as teaching the

"service broker" element of Applicant' claim 1, the Office now appears to suggest that Applicant's "service broker" element is taught by the "system component manager 116" of Tavis. Applicant respectfully submits that a *prima facie* case of obviousness cannot be established based upon such an inconsistency in the interpretation of teachings of a reference.

Further, the Office has failed to show where Tavis teaches that either of "component manager object 110 and 112" and "system component manager 116", in fact, "...determin[e] the one of the plurality of servers associated with the one of the plurality of software components...", as recited by claim 1. To the contrary, Tavis clearly states in paragraph [0033] (cited by the Office) that "system component manager 116" is "...forwarded all component update requests from all other component managers 110 and 112." (emphasis added) Applicant respectfully submits that it necessarily follows that "component manager object 110 and 112" do not "...determin[e] the one of the plurality of servers associated with the one of the plurality of software components...", as recited by claim 1, but merely pass all component update requests to "system component manager 116". Therefore, Applicant respectfully submits that the "component manager object 110 and 112" of Tavis does not teach or suggest, at least, "...the service broker capable of determining the one of the plurality of servers associated with the one of the plurality of software components...", as recited by Applicant' claim 1. Further, Applicant also respectfully submits that the Office has also failed to show where "system component manager 116" of Tavis teaches this aspect of Applicant' claim 1. Tavis discloses at paragraphs [0034] and [0035], the following:

The system component managers 116 works in conjunction with a download manager 130 and an install manager 132. The download manager 130 retrieves components designated by the system component manager 116 from a server over a network, such as the Internet, and the install manager 132 installs retrieved components in the local system. The system component manager 116 communicates with the download manager 130 via the download request queue 118, and communicates with the install manager 132 via the install request queue 120.

The download manager part 130 of the master process 100 is responsible for servicing requests to retrieve software components from the Internet. As discussed below, each component is identified by a

Uniform Resource Locator (URL) that is passed to the download manager 130 by the system component manager 116 to begin the download process. The download manager 130 works with the network transport layer of a network protocol stack in order to retrieve components without interfering with the normal transfer of information between collaborators, via deltas. The system component manager 116 and the download manager 130 communicate by exchanging information via the download request queue 118 which can be an element queue as described in aforementioned application, Ser. No. 09/588,195.

The portions of Tavis shown above explain that the "system component manager 116" works with a "download manager 130", which services request to retrieve software components from the Internet. The software components are identified by a URL passed to the "download manager 130" by the "system component manager 116". The Office has failed to show how the "system component manager 116" operates to "...determine[e] the one of the plurality of servers associated with the one of the plurality of software components...", in accordance with claim 1. Tavis clearly states in paragraph [0035] that "...each component is identified by a Uniform Resource Locator (URL) that is passed to the download manager 130 by the system component manager 116...." (emphasis added) Tavis does not, however, teach or suggest that the "system component manager 116" determines the URL. In fact, paragraph [0056] of Tavis states the following:

A component update request that a component manager receives asks for a component resource by providing a URL that identifies the resource to the component manager. Component resource URLs always point to the Internet, via an HTTP or an FTP scheme. The format of a component resource URL has two parts separated by a "?" character. The following is a simple example:
(emphasis added)

The portion of Tavis shown above clearly states that the "component update request" received by a "component manager" provides the URL. Therefore, Applicant respectfully submits that Tavis teaches that a server accessed in responding to the "request" is not determined by the "component manager object 110 and 112", the "system component manager 116", or the "download manager 130", but is instead

determined by the source of the "request", in that the source of the request provides the URL. Applicant has shown above that Tavis teaches at paragraph [0032] that "...[t]hese requests can arrive from remote client installations, be locally created by the instantiation of a tool template, or be generated by the component manager itself as a result of polling for newer versions of already installed components." Again, Applicant respectfully submits that requests "arriv[ing] from "remote client installations", "locally created by the instantiation of a tool template", and "generated by the component manager itself" do not teach or suggest a request coming from "software components making the at least one request for service", in accordance with Applicant's claim 1. Therefore, Applicant respectfully submits that Tavis does not teach or suggest a "service broker", "...determining the one of the plurality of servers associated with the one of the plurality of software components,...", as recited by Applicant' claim 1.

Applicant now addresses Tavis at paragraph [0048], which recites:

The second way to trigger an update process is by polling. Frequently, the system component manager 116 will inspect its local manifest of installed components to see if any component has reached an update "time" that is defined by the component provider. In addition, the system component manager 116 can cause a download of a component file from the location from which the component was originally retrieved and check to determine whether the component file references a newer component. If so, the system component manager 116 will cause the newer component to be downloaded as well.

This portion of Tavis simply teaches that a component update may be triggered by inspecting a manifest or list of installed software components to determine whether any component has reached an update time, or may check the location from which the software component was originally retrieved to determine whether a newer version is referenced. In either case, Applicant respectfully submits that the portion of Tavis shown above, specifically cited by the Office, teaches that it is the "system component manager 116" that is the source of a request for a component update. This, however, is inconsistent with the previous suggestion by the Office that one or the other of "system component manager 116" and the "component manager object 110 and 112" teach

Applicant's "service broker". Applicant respectfully submits that claim 1 recites that the "service broker" of Applicant' claim 1 is capable of "...receiving at least one request for service associated with one of the plurality of software components..." and that it is "...the one of the plurality of software components making the at least one request for service;...", not the "service broker", that makes the request. Therefore, Applicant respectfully submits that the cited portion of Tavis at paragraph [0048] does not teach or suggest at least this aspect of Applicant' claim 1.

In addition, the Office has not explained how and why "...download of a component file from the location from which the component was originally retrieved and check to determine whether the component file references a newer component..." teaches Applicant' "...determining the one of the plurality of servers associated with the one of the plurality of software components [making the request for service]...", in accordance with claim 1. As noted above, M.P.E.P. §2142 recognizes that "[t]he key to supporting any rejection under 35 U.S.C. 103 is the clear articulation of the reason(s) why the claimed invention would have been obvious." For at least this reason, Applicant respectfully submits that the Office failed to show where Tavis teaches at least this aspect of Applicant's claim 1.

The Office asserts that Tavis teaches "the service broker capable of forwarding the at least one request for service to the determined one of the plurality of servers [download manager 130 retrieves components designated by the system component manager 116 from a server over a network such as the Internet; p. 3, paragraph [0034] and p. 6, paragraph [0076]]. Applicant respectfully disagrees. For at least the reasons set forth above, Applicant respectfully submits that the "system component manager 116" does not determine/designate the "components retrieved", in that the "system component manager 116" is not the source of the URL used in the retrieval. Applicant has previously addressed the teachings of paragraph [0034] of Tavis, above.

Applicant now turns to the alleged teachings of paragraph [0076], which states:

After calling the transport interface, the download manager thread reads from the stream pending, if necessary and writes the stream data to a file in the download manager staging area. The name of the file is

determined by the components OSD name and the staging area is partitioned by the URL path. The download manager also notifies the system component manager of its progress, via an element queue, if requested. Finally, when the download manager thread receives an end-of-stream return code, it closes the staging file and notifies the system component manager that the file transfer, but not the file verification, is complete. In a preferred embodiment, components can be downloaded from "component farms", which are commodity servers that host components available for download by the component manager.

The portion of Tavis shown above simply teaches that a "download manager thread" reads from a stream and writes stream data to a file, that the "download manager" notifies the "system component manager" of its progress, and that "[software] components" can be downloaded from "commodity servers" that host [software] components for download by the "component manager". This portion of Tavis, which was specifically cited by the Office does not, however, teach or suggest, at least, "...the service broker capable of forwarding the at least one request for service to the determined one of the plurality of servers...." Instead, the Office now seems to assert that the "download manager 130" of Tavis teaches the "service broker" element of Applicant' claim 1, which the Office previously identified as corresponding to the "component manager object 110 and 112" and the "system component manager 116". Applicant respectfully submits that the Office has failed to show, for at least the reasons set forth above, how and why any or all of the "component manager object 110 and 112", the "system component manager 116", or the "download manager 130" of Tavis teach or suggest the "service broker" element of Applicant's claim 1. Further, the Office fails to show where Chamberlain remedies any of the shortcomings of Tavis set forth above.

Applicant appreciates recognition by the Office that Tavis "...does not teach determining the one of the plurality of servers associated with the one of the plurality of software components based upon a prior registration associating the one of the plurality of servers with the one of the plurality of software components making the at least one request for service." See Office action at ages 4-5. The Office, however, then turns to

Chamberlain, and asserts that Chamberlain teaches "...an installer application maintains a list of source locations [col. 4, lines 26-45], and determining the one of the plurality of servers associated with the one of the plurality of software components [locations in the source list 212 are searched, and the first location having the source 215 is used for the install; col. 9, line 60 - col. 10, line 6] based upon a prior registration associating the one of the plurality of servers with the one of the plurality of software components making the at least one request for service [installer application 201 creates a "source list" 212 in the installer registry 202; col. 8, lines 13-36]." See Office action at page 5. Applicant respectfully disagrees.

Applicant's claim 1 recites, in part, "...determining the one of the plurality of servers associated with the one of the plurality of software components...." Applicant respectfully submits that this clearly establishes one-to-one correspondence between a "software component" in the electronic device that makes a request, and a "server" to which the "request" is made. Applicant first addresses the cited portion of Chamberlain at column 4, lines 26-45, which states:

Another aspect of the present invention relates to a method of adding a new source location to the source list. The installer application maintains a list of source locations and detects when a new source location has been identified by a user. The installer application then determines whether the new source location is already on the list of source locations. If the new source location is not on the list of source locations, the installer application adds the new source location to the list. In the disclosed embodiment the installer maintains a comprehensive list of source locations, which consists of network source locations, media source locations, and Internet site source locations. The installer application remembers the last-used source location and replaces the last-used source location with a new source location. If it is determined that the new source location is a media source location, this media source location is not added as a new source location to the list of source locations.

The portion of Chamberlain shown above simply teaches that an "installer application" maintains a "source list" of "source locations" identified by a user that may be "network source locations", "media source locations", and "Internet site source

locations", and that the "installer application" remembers the "last used source location". Therefore, Applicant respectfully submits that the Chamberlain merely teaches the creation of a list of sources. Applicant understands that by the above, the Office is asserting that the "source list 212" of Chamberlain teaches Applicant's "...prior registration associating the one of the plurality of servers with the one of the plurality of software components making the at least one request for service...."

The Office also cites the portion of Chamberlain at column 8, lines 13-36, which states:

The installer application 201 continues with the installation process until all of the resources of the product are written to the appropriate location on the hard disk drive 27. After all of the resources are written, the installer application 201 creates a "source list" 212 in the installer registry 202. If, after installation, the source 215 is needed by the installer application 201, the source list 212 identifies where the source 215 may be found. The initial locations 214 contained in the source list 212 may be derived from information contained in the product package 213, in addition to the location of the product package 213. The first location in the source list 212 is likely to be the location of the source 215 during the present installation, here the CD-ROM disk 31 within the optical disk drive 30. The source list 212 includes a list of alternative locations where the source 215 may be located should the source 215 not be found in the first location searched. The locations may be any location on any media accessible by the computer 20, including on a floppy disk 29, CD-ROM disk 31, network server accessible via a LAN 51, a File Transfer Protocol (FTP) site on the Internet accessible via modem 54 or LAN 51, or any other storage media now known or hereafter developed.

The portion of Chamberlain shown above merely teaches that the "installer application 201" creates a "source list 212" that identifies where the "source 215" may be found during the installation of a "product". Chamberlain teaches, at column 7, lines 46-60, that "source 215" contains the actual "resources" associated with a product. Chamberlain identifies "resources as "...program files, registry entries, shortcuts, etc...." at column 7, lines 43-45. Therefore, Chamberlain teaches that the "source list 212" provides one or more locations at which a "program file", "registry entry", "shortcut" for a "product" may be found. Chamberlain does not, however, teach or suggest that any of

the "program file", "registry entry", "shortcut", which the Office has alleged are associated with one or more locations, make any sort of "request" for a service, not even a request to perform a "component update", which the Office has identified as the aspect of Tavis alleged to teach Applicant' "service" claim element.

In addition, neither Chamberlain nor Tavis teach a one-to-one association, as recited by Applicant's claim 1. Chamberlain states, at column 9, line 61 to column 10, line 5:

The source list 212 is used today in the case where an application has already been partially or completely installed, and a subsequent install is later invoked on that product that requires the source 215. When this subsequent install is invoked, the user is not really installing from any one place. Therefore, locations in the source list 212 are searched, and the first location having the source 215 is used for the install. For example, if the network is down, the original source may not be available. Likewise if the user originally installed from CD, and the CD is not in the CD-ROM drive, then the source list 212 can be used to find alternate source locations.

(emphasis added)

Therefore, Applicant respectfully submits Chamberlain does not teach or suggest "...interactions between one of a plurality of software components in an electronic device and an associated one of a plurality of servers...", nor does Chamberlain teach or suggest "...a prior registration associating the one of the plurality of servers with the one of the plurality of software components making the at least one request for service; ...", as recited by Applicant' claim 1.

Moreover, Applicant respectfully submits that the Office has not provided any explanation of how the teachings of Chamberlain would be combined with Tavis to yield the invention of Applicant's claim 1. Instead, the Office simply makes the conclusory statement that "[i]t would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Tavis to incorporate the features of Chamberlain." See Office action at page 5. M.P.E.P. §2142, however, makes it clear that "[i]he key to supporting any rejection under 35 U.S.C. 103 is the clear articulation of the reason(s) why the claimed invention would have been obvious...", and that "[i]he

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Supreme Court in KSR International Co. v. Teleflex Inc., 127 S. Ct. 1727 (2007), 82 USPQ2d 1385, 1396 noted that the analysis supporting a rejection under 35 U.S.C. 103 should be made explicit." Therefore, for at least the reasons set forth above, the Applicant respectfully submits that the Office has failed to establish a *prima facie* case of obviousness, and that claim 1 is allowable.

Based at least upon the above, Applicant respectfully submits that the Office has failed to establish a *prima facie* case of obviousness, as required by M.P.E.P. §2142, and that claim 1 is allowable over the proposed combination of references. Applicant believes that claims 2-15, which depend from independent claim 1 are also allowable, for at least the reasons set forth above. Accordingly, Applicant respectfully requests that the rejection of claims 1-15 under 35 U.S.C. §103(a) be reconsidered and withdrawn.

With regard to the rejection of independent claim 16, Applicant respectfully submits that claim 16 recites "[a] wireless communication system supporting at least one electronic device, the system comprising: a service broker communicatively coupled to the at least one electronic device; a plurality of service providers, each of the plurality of service providers communicatively coupled to the service broker; a client-side component in the at least one electronic device that requests a software update from one of the plurality of service providers; and wherein the service broker determines the appropriate one of the plurality of service providers to respond to the software update request, based upon an association of the one of the plurality of service providers with the client-side component that made the request."

Applicant respectfully submits that independent claim 16 recites elements similar in many ways to those recited by independent claim 1, and that the Office cites many of the same teachings of Tavis and Chamberlain in the rejection of claim 16, as were cited in the rejection of claim 1. Accordingly, Applicant respectfully submits that independent claim 16 is allowable over the proposed combination of Tavis and Chamberlain, for at least the reasons set forth above with respect to the rejection of independent claim 1.

Further, because claims 17-21 depend from allowable independent claim 16, Applicant respectfully submits that claims 17-21 are also allowable, for at least the same reasons. Accordingly, Applicant respectfully requests that the rejection of claims 16-21 under 35 U.S.C. §103(a) be reconsidered and withdrawn.

With regard to the rejection of independent claim 22, Applicant respectfully submits that claim 22 recites “[a] method for updating at least one of a software component and software component configuration information in an electronic device communicatively coupled to a service broker, the method comprising: under the control of the electronic device, registering at least one call-back function available in the software component, wherein each of the at least one call-back function is associated with a server; communicating, to the service broker, a request for updating of at least one of the software component and software component configuration; receiving results from a remote service provider; and invoking the at least one call-back function using the received results; and under the control of the service broker, receiving an update request; determining a service provider based upon the update request; invoking update functionality on the determined service provider; and transmitting results of the invoked update functionality to the mobile device.”

Applicant respectfully submits that independent claim 22 recites features similar in many respects to those recited by independent claims 1 and 16, and that the Office cites many of the same teachings of Tavis and Chamberlain in the rejection of claim 22 as were cited in the rejections of claims 1 and 16. Accordingly, Applicant respectfully submits that independent claim 22 is allowable over the proposed combination of Tavis and Chamberlain, for at least the reasons set forth above with respect to the rejections of independent claims 1 and 16. Further, because claims 23 and 24 depend from allowable independent claim 22, Applicant respectfully submits that claims 23 and 24 are also allowable, for at least the same reasons. Accordingly, Applicant respectfully requests that the rejection of claims 22-24 under 35 U.S.C. §103(a) be reconsidered and withdrawn.

Conclusion

In general, the Office Action makes various statements regarding the claims and the cited references that are now moot in light of the above. Thus, the Applicant will not address such statements at the present time. However, the Applicant expressly reserves the right to challenge such statements in the future should the need arise (e.g., if such statements should become relevant by appearing in a rejection of any current or future claim).

The Applicant believes that all of pending claims 1-24 are in condition for allowance. Should the Examiner disagree or have any questions regarding this submission, the Applicant invites the Examiner to telephone the undersigned at (312) 775-8000.

A Notice of Allowability is courteously solicited.

Respectfully submitted,

Dated: July 17, 2008

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